

III. 2002):

" that there was sufficient evidence to keep RSI in the case based on RSI's own direct actions and conduct:

Plaintiff also maintains that [RSI] was directly involved in designing the carriers. [RSI] formed a task force to investigate safety issues related to Delavan trailers and commissioned an ergonomics report on trailer injuries. [RSI] also centralized some design decisions by requiring that [the ACD] approve any modifications, including safety features. Such interventions in the design process arguably impose a duty on [RSI], independent of Delavan. To the extent the parent's actions affected the design ..., it is responsible for that design...."

Id. at 991. In *Cruber, et al., v. Ryder Systems, Inc., et al.*, United States District Court Southern District of Illinois, No. 99-310DRH, the court stated:

"GACS, Inc., CCI and Ryder Systems, Inc., acknowledge that Defendants have presented evidence of commonality of ownership and commonality of officers and directors."

Koustmer Affidavit filed July 8, 2003, Exhibit 3, Page 3.

All of the above facts apply to CCI since Delavan was transferred to CCI. (Henderson's Affidavit, Page 3 attached to Defendant RSI's Memorandum in Support of Motion for Summary Judgment.) As in Milford, and Dreyer, this Court should find there is sufficient evidence to keep RSI in this case.

CONCLUSION

For all the reasons stated in this Response and the Undisputed Facts, summary judgment is not appropriate as a matter of law.

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